

EXECUTIVE NOTE

THE PLANT HEALTH (SCOTLAND) (AMENDMENT) ORDER 2007 SSI 2007/415

Introduction

1. The above instrument is made by the Scottish Ministers in exercise of powers conferred by sections 2, 3(1) and (4) and 4(1) of the Plant Health Act 1967, as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972, and all other powers enabling them to do so. The instrument is subject to negative resolution procedure.

Policy Objective

2. The purpose of this Order, so far as Scotland is concerned, is to amend the Plant Health (Scotland) Order 2005 ('the principal Order') which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It implements Commission Directives 2006/56/EC and 2006/63/EC and corrects minor transposition errors in the principal Order.

3. Commission Directives 2006/56/EC and 2006/63/EC amend Council Directives 93/85/EEC and 98/57/EC respectively. Directives 93/85/EEC and 98/57/EC set out detailed measures to be taken within Member States against potato ring rot (*Clavibacter michiganensis*) and potato brown rot (*Ralstonia solanacearum*) in order to locate the organisms and determine their distribution; prevent their occurrence and spread; and, if found to prevent further spread and control and eradicate the organisms. These Directives are implemented in Scotland by the Plant Health (Scotland) Order 2005. Similar but separate legislation operates in England, Wales and Northern Ireland.

4. Directives 2006/56/EC and 2006/63/EC update the requirements in the Annexes to Directives 93/85 and 98/57 which set out measures for the disposal of contaminated and possibly contaminated material and control measures on contaminated places of production and within demarcated zones. These changes reflect developments in the understanding of the biology, detection and identification procedures of the organisms and practical experience gained in their control.

5. The substituted definitions of "Directive 93/85/EEC" and "Directive 98/57/EC" in article 2(1) are made for the purpose of triggering the new rule of statutory interpretation in section 20A of the Interpretation Act 1978, which relates to references to Community instruments in national legislation. The effect of the substituted definitions is that, in the Plant Health (Scotland) Order 2005, the references to those Directives are to be construed as references to those Directives as last amended by Commission Directives 2006/56/EC and 2006/63/EC, which are the latest amending instruments at the date this Plant Health (Scotland) (Amendment) Order 2007 is made.

6. The Order also makes a minor change to Article 42(3) of the principal Order to clarify the notification requirements where a notifiable plant pest is found; and makes a minor amendment to item 77 of Schedule 4 A to the principal Order to correct an error as regards the import requirements for seeds of *Phaseolus* L.

Financial Impact

7. The changes will not have a significant effect on Scottish businesses. As a result there are no economic implications for Scottish businesses. In such circumstances no Regulatory Impact Assessment has been prepared.

Agriculture Division - Rural Directorate

29 August 2007